

The House Committee on Judiciary Non-civil offers the following substitute to HB 1439:

A BILL TO BE ENTITLED

AN ACT

To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide for the crime of unlawful confiscation of legally owned and carried firearms; to provide for exceptions; to amend Code Section 38-3-51 of the Official Code of Georgia Annotated, relating to the emergency powers of the Governor, so as to limit the Governor's emergency powers with respect to firearms; to provide for criminal penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended by adding a new Code section at the end thereof, to be designated Code Section 16-11-135, to read as follows:

"16-11-135.

(a) It shall be unlawful for any law enforcement officer, any person acting in a law enforcement capacity, or any public officer or official to confiscate or attempt to confiscate during a declared, official state of emergency any firearm from any person, unless such firearm is being used in the commission of a crime or is being possessed or carried in violation of state law governing the possession and carrying of firearms.

(b) Any person who violates subsection (a) of this Code section shall be subject to a civil penalty in an amount not to exceed \$1,000.00. A civil penalty imposed pursuant to this subsection shall not provide the violator with immunity from civil liability.

(c) Any person in violation of subsection (a) of this Code section shall receive a letter of reprimand from the chief law enforcement officer of the jurisdiction in which the offense occurs."

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SECTION 2.

Code Section 38-3-51 of the Official Code of Georgia Annotated, relating to the emergency powers of the Governor, is amended by striking paragraph (8) of subsection (d) and inserting in lieu thereof the following:

"(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms, explosives, and combustibles, and explosives other than ammunition for legally possessed firearms~~; and explosives other than ammunition for legally possessed firearms; provided, however, that any limitation on firearms under this Code section shall not include an individual firearm owned by a private citizen which was legal and owned by that citizen prior to the declaration of state of emergency or disaster or thereafter acquired in compliance with all applicable laws of this state and the United States; and"

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.